

AMENDED IN SENATE APRIL 9, 2007

SENATE BILL

No. 377

Introduced by Senator Aanestad

February 21, 2007

An act to amend Section 44831 of the Education Code, relating to school employees.

LEGISLATIVE COUNSEL'S DIGEST

SB 377, as amended, Aanestad. Schools: certificated employees.

Existing law requires governing boards of school districts to employ persons in public school service requiring certification qualifications pursuant to other requirements, except that the governing board or a county office of education is permitted to contract with or employ an individual who holds a license issued by the Speech-Language Pathology and Audiology Board and has earned a master's degree in communication disorders to provide speech and language services if that individual meets the requirements of a specified criminal background check and has demonstrated basic skills proficiency before employment or execution of the contract.

This bill, instead, would permit the governing board of a school district to contract with or employ a person who holds a license issued by the Speech-Language Pathology and Audiology Board, pursuant to specified requirements for obtaining that license, *and has met specified criminal background check requirements* and would recognize that license as equivalent to a *speech-language pathology services* credential issued by the Commission on Teacher Credentialing, without meeting any other requirements generally required to obtain ~~a~~ *that* credential. *A person employed based on that license would be authorized to provide speech-language pathology services only in accordance with the related*

services provisions for speech-language pathology of the federal Individuals with Disabilities Education Act and the policies of the Commission on Teacher Credentialing for the speech-language pathology services credential with an authorization for performing language, speech, and hearing services. The licensed employee would not be authorized to teach courses that are part of the core curriculum and would be required to complete professional development training related to assessing and serving children with disabilities who are English language learners prior to being considered for permanent employment status. The licensed employee would be required to be included, if he or she chooses, in the same bargaining unit as individuals holding specified credentials who are employed by the same school district. The inclusion of the licensed employees in a bargaining unit would be prohibited from nullifying the provisions of a collective bargaining agreement entered into or signed on or after January 1, 2008.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 44831 of the Education Code is amended
2 to read:
3 44831. (a) Governing boards of school districts shall employ
4 persons in public school service requiring certification
5 qualifications as provided in this code, except that the governing
6 board or a county office of education may contract with or employ
7 an individual who holds a license issued by the Speech-Language
8 Pathology and Audiology Board, pursuant to Chapter 5.3
9 (commencing with Section 2530) of Division 2 of the Business
10 and Professions Code, ~~and that license~~ *Professions Code if that*
11 *individual meets the requirements of Section 44332.6 before*
12 *employment or execution of the contract. The license from the*
13 *Speech-Language Pathology and Audiology Board shall be*
14 *equivalent to, and satisfy the requirements of, a credential issued*
15 *by the Commission on Teacher Credentialing pursuant to Section*
16 *44265.3 for purposes of employment and services.*
17 (b) (1) A person employed pursuant to subdivision (a) may
18 provide speech-language pathology services only in accordance
19 with both of the following:

1 (A) *The related services provisions for speech-language*
2 *pathology of the federal Individuals with Disabilities Education*
3 *Act (20 U.S.C. Sec. 1400 et seq.).*

4 (B) *The policies of the Commission on Teacher Credentialing*
5 *for the speech-language pathology services credential with an*
6 *authorization for performing language, speech, and hearing*
7 *services.*

8 (2) *The individual may provide services at any grade level,*
9 *including preschool, kindergarten, and grades 1 to 12, inclusive,*
10 *as well as for children from birth to three years of age, inclusive,*
11 *and in classes organized primarily for adults.*

12 (3) *However, the individual is not authorized to teach courses*
13 *that are part of the core curriculum.*

14 (c) *A person employed pursuant to subdivision (a) shall complete*
15 *professional development training related to assessing and serving*
16 *individuals with exceptional needs who are English language*
17 *learners prior to being considered for permanent employment*
18 *status.*

19 (d) (1) *The intent of the Legislature in granting employment*
20 *parity for school district-employed licensed speech-language*
21 *pathologists with credentialed speech-language pathologists is*
22 *not to alter existing law regarding collective bargaining rights for*
23 *exclusive representation of employees or the related scope of*
24 *collective bargaining, or both.*

25 (2) *However, a person employed pursuant to subdivision (a)*
26 *shall be included, if he or she chooses, in the same bargaining unit*
27 *as individuals holding credentials pursuant to Section 44265.3*
28 *who are employed by the same school district. This section does*
29 *not provide an individual employed pursuant to subdivision (a)*
30 *with rights that are different from the rights contained in Chapter*
31 *10.7 (commencing with Section 3540) of Division 4 of Title 1 of*
32 *the Government Code.*

33 (3) *The inclusion of individuals employed pursuant to*
34 *subdivision (a) in a bargaining unit shall not nullify the provisions*
35 *of a collective bargaining agreement entered into or signed on or*
36 *after January 1, 2008.*

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